

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----	X		
NANCY BROOKS and JOAN SILVERMAN,	:		
	:		
Plaintiffs,	:	Civil Action	
	:	No. 05-10994-WGY	
v.	:		
	:		
AIG SUNAMERICA LIFE ASSURANCE	:		<u>ORAL ARGUMENT REQUESTED</u>
COMPANY,	:		
	:		
Defendant.	:		
-----	X		

**DEFENDANT AIG SUNAMERICA'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Federal Rule of Civil Procedure 12(c), Defendant AIG SunAmerica Life Assurance Company ("AIG SunAmerica") hereby moves this Court for an Order dismissing all three remaining counts in the Complaint with prejudice. The grounds for this motion are set forth in AIG SunAmerica's memorandum of law, which is submitted herewith.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), AIG SunAmerica respectfully requests oral argument on this motion.

Dated: October 25, 2005
Boston, Massachusetts

Respectfully submitted,

/s/ James R. Carroll
James R. Carroll (BBO #554426)
Michael S. Hines (BBO #653943)
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Counsel for Defendant
AIG SunAmerica Life Assurance Company

LOCAL RULE 7.1 CERTIFICATION

I, Michael S. Hines, hereby certify that I conferred with counsel for plaintiffs on October 25, 2005 but could not obtain counsel's agreement to the specific relief sought by this motion.

Dated: October 25, 2005

/s/ Michael S. Hines
Michael S. Hines

CERTIFICATE OF SERVICE

I, Michael S. Hines, hereby certify that on October 25, 2005, I caused a true copy of the foregoing Defendant AIG SunAmerica's Motion For Judgment On The Pleadings to be served electronically via the Court's Electronic Filing System upon counsel for plaintiffs, John Peter Zavez.

Dated: October 25, 2005

/s/ Michael S. Hines
Michael S. Hines